

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GARWECH NYABOL CHUT,

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4:06CV3033

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Plaintiff,

)

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v.

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**MEMORANDUM
AND ORDER**

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CHIEF OF HASTINGS POLICE
DEPARTMENT,

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Defendant.

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This matter is before the court on Defendant's Motion to Dismiss. (Filing No. 66.) In his Motion, Defendant seeks dismissal of Plaintiff's Complaint because Plaintiff has failed to respond to various discovery requests, has failed to respond to Defendant's pending Motion to Compel, and has failed to comply with the court's orders. (*Id.* at CM/ECF p. 1.) Plaintiff's last filing occurred nearly six months ago. (Filing No. 54.)

Plaintiff failed to respond to Defendant's Motion to Dismiss. The undisputed facts therefore show that Plaintiff has not responded to written interrogatories (filing no. 68 at CM/ECF p. 1), has not responded to Defendants' Motion to Compel (*id.* at CM/ECF pp. 1-2), and has failed to participate in the drafting of the final pretrial order in accordance with the court's Progression Order (*id.* at CM/ECF p. 2). In short, Plaintiff has failed to prosecute this matter diligently and this matter should therefore be dismissed.

IT IS THEREFORE ORDERED that:

1. Defendant's Motion to Dismiss (filing no. 66) is granted. Plaintiff's Complaint is dismissed without prejudice.

2. Defendant's pending Motion to Compel (filing no. 61) and Motion for Summary Judgment (filing no. 62) are denied as moot.

3. A separate judgment will be entered in accordance with this Memorandum and Order.

March 5, 2008.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge